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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Adams et al.

Serial No. 08/113,561

Filed: August 25, 1993

For: METHODS AND COMPOSITIONS  
FOR THE PRODUCTION OF  
STABLY TRANSFORMED,  
FERTILE MONOCOT PLANTS  
AND CELLS THEREOF

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§  
§ Group Art Unit: Unknown  
§  
§ Examiner: Unknown  
§  
§ Atty. Dkt.: DEKA:055/PAR  
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CERTIFICATE OF MAILING

37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date below:

October 7, 1993

Date

David L. Parker

ATTN: OFFICE OF THE ASSISTANT  
COMMISSIONER

Washington, D.C. 20231

**RESPONSE TO NOTICE OF INCOMPLETE APPLICATION AND  
PETITION TO GRANT A FILING DATE UNDER 37 C.F.R. §§ 1.53-1.182**

Dear Sir:

Applicants respectfully petition the Commissioner to assign the filing date of August 25, 1993 to the present application.

The present application, including a description pursuant to 37 C.F.R. § 1.71, claims pursuant to 37 C.F.R. § 1.75 and drawings in accordance with 37 C.F.R. § 1.81, was filed via Express Mail on August 25, 1993. On September 15, 1993, the P.T.O. mailed a Notice of Incomplete Application (copy enclosed) stating that the filing date of the application was not granted

in that certain drawings referred to in the specification were not included with the filed application, and that other figures were supplied were not mentioned in the Specification.

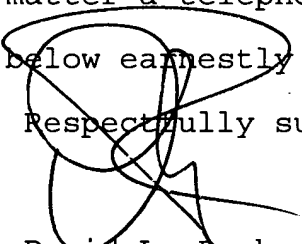
In response, Applicants submit that all such drawings were submitted with the application on August 25, 1993, and that the submitted drawings are in complete accordance with their description in the specification. Therefore, under 37 C.F.R. § 1.182, Applicants request that this petition for the August 25, 1993, filing date be granted and that the enclosed petition fee be refunded.

More particularly, the Notice of September 15, 1993, states that drawings of Figures 1, 2 and 5 described in the specification were not included in the filing and must be supplied. Applicants respectfully submit that all of these drawings were filed with the application, and that the Notice must be the result of the Application Division failing to fully appreciate the layout of Applicants' informal drawings. Figures 1, 2 and 5, as filed, have clearly labelled Figure elements A, B, etc. Also the Notice states that Figures 7, 8, 8E and 11 were not mentioned in the specification. The content and labelling of the Figures is in complete accordance with the Brief Description of the Drawings at pages 69, 72, 73, 74 and 75 of the specification, where Figure 1 is stated to contain parts A-Z and AA-EE, Figures 2 and 3 are stated to contain parts A-B, Figure 7 is stated to contain parts A-D, Figure 8 is stated to contain parts A-E, and Figure 11 is stated to contain parts A-B.

It is submitted that the specification and figures together are therefore in complete accordance with 37 C.F.R. §§ 1.53, 1.71, 1.74 and 1.81. It is further submitted that even a person with a relatively low level of skill in the art would know how to fully, clearly and exactly interpret all the submitted Figures in light of the submitted description of the drawings.

A \$130.00 check to cover the Petition Fee mandated by 37 C.F.R. 1.17(i)(1) is included, and it is believed that there are no other fees due in connection with this petition. Applicants request that should this petition be granted, that a refund of the petition fee be made. If the Commissioner determines that other fees are occasioned by this Petition, he is authorized to deduct those fees from Arnold, White & Durkee Deposit Account 1-2508/DEKA:055/PAR. Should the Commissioner have any questions regarding this matter a telephone call to Applicants' representative listed below earnestly requested.

Respectfully submitted,

  
David L. Parker  
Reg. No. 32,165

ARNOLD, WHITE & DURKEE  
P. O. Box 4433  
Houston, Texas 77210  
(512) 320-7200

Date: October 7, 1993

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